IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 5791 of 2007()

CRIME NO.1609/07 OF ALUVA TRAFFIC POLICE STATION

: PETITIONERS/ACCUSED

ABDULVAHAB, S/O.ABDUL AZEEZ, AGED 38 YEARS, VELUTHEDATHUPARAMBIL HOUSE, CHALIKKAVATTOM, EDAPPALLY SOUTH VILLAGE, ERNAKULAM DIST.

BY ADV. SRI.M.H.HANIL KUMAR

RESPONDENTS: COMPLAINANT/STATE

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1. SUB INSPECTOR OF POLICE, ALUVA TRAFFIC POLICE STATION, ERNAKULAM DIST, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, COCHIN-682 031.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY DIRECTOR GENERAL OF PROSECUTIONS SRI.P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5791 of 2007

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Dated this the 25th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioner's vehicle was allegedly involved in an accident, in which three persons suffered injuries and two of them succumbed to the injuries. The driver sped away from the scene of the incident. The occupants of the vehicle took to their heels. The vehicle was recovered later from the place where it was abandoned. From the vehicle, contraband liquor was seized. The petitioner is the registered owner of the vehicle. According to him, he had already transferred the vehicle. The police has not arrayed the petitioner as an accused so far. He seeks anticipatory bail.

2. The learned Director General of Prosecutions submits that the petitioner has not been arrayed as an accused. He will have to be questioned. He is making himself scarce. It is not possible for the police to take a stand now as to whether the petitioner is an accused or will have to be arrayed as an accused. The petitioner must appear before the Investigating Officer and co-operate with the investigation, submits the learned D.G.P.

3. I am satisfied, in these circumstances, that interim directions can be issued. Accordingly the following directions are issued.

(1) The petitioner shall appear before the Investigating Officer and shall make himself available for interrogation between 10 a.m. and 3 p.m. on 3.10.07 and 4.10.07. The Investigator shall be at liberty to interrogate the petitioner during this period.

(2) If the Investigating Officer feels the need to arrest him, he can be arrested. But he shall be released on condition that he executes a bond for Rs.25,000/- without any surety undertaking to appear personally before this Court on the next date of posting.

4. Call on 8.10.2007. The outcome of the interrogation shall be reported to this Court by the Investigating Officer and it shall be specifically stated whether the petitioner is required to be arrayed as an accused or not.

Hand over the order.

(R. BASANT)
Judge

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